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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

XILING CHEN,

Plaintiff,

v.

ALBERTO GONZALES, Attorney General of
 the United States; MICHAEL CHERTOFF,
 Secretary of the Department of Homeland
 Security; EMILIO GONZALES, Director of
 United States Citizenship & Immigration
 Services; ROBERT MEULLER, Director of the
 Federal Bureau of Investigations; GERARD
 HEINAUER, Director of the Nebraska Service
 Center,

Defendants.

No. C 07-4698 PVT

**JOINT CASE MANAGEMENT
 STATEMENT and [Proposed] ORDER**

Date: December 18, 2007
 Time: 2:00 p.m.

1. Jurisdiction and Service:

The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331, 5 U.S.C. § 706 and 28 U.S.C. § 1361. The parties do not dispute that venue is proper in this district. No issues exist regarding personal jurisdiction or venue, and no parties remain to be served.

2. Facts:

Plaintiff filed a Form I-485 application to adjust her status to lawful permanent resident with the United States Citizenship and Immigration Services (USCIS) on or about on April 19, 2004.

1 The USCIS has not yet adjudicated the Form I-485 application. The Plaintiff filed an action on
2 September 12, 2007, seeking an order from this Court directing USCIS to adjudicate her Form I-
3 485 application.

4 3. Legal Issues:

5 Whether this Court should dismiss the Plaintiff's action for lack of subject matter jurisdiction.
6 If this Court has jurisdiction, whether the USCIS is processing the Plaintiff's I-485 application
7 within a reasonable period of time.

8 4. Motions:

9 The parties intend to file cross-motions for summary judgment.

10 5. Amendment of Pleadings:

11 No parties, claims or defenses are expected to be added or dismissed.

12 6. Evidence Preservation:

13 The parties do not have any evidence that falls within this category.

14 7. Disclosures:

15 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to
16 this case.

17 8. Discovery:

18 The parties do not intend to take any discovery at this time.

19 9. Class Actions:

20 N/A

21 10. Related Cases:

22 The parties are not aware of any related case or cases.

23 11. Relief:

24 The Plaintiff ask this Court to direct USCIS to adjudicate the Form I-485 application.

25 12. Settlement and ADR:

26 The Court granted the parties' request to be exempt from formal ADR process on November
27 28, 2007.

28 ///

1 13. Consent to Magistrate Judge for All Purposes:

2 The parties consent to a magistrate judge.

3 14. Other References:

4 The parties do not believe that this case is suitable for reference to binding arbitration, a
5 special master, or the Judicial Panel on Multidistrict Litigation.

6 15. Narrowing of Issues:

7 The parties do not believe that the issues can be narrowed by agreement or by motion, and do
8 not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or
9 stipulated facts), and any request to bifurcate issues, claims or defenses.

10 16. Expedited Schedule:

11 The parties believe this case can be resolved on cross-motions for summary judgment.

12 17. Scheduling:

13 The parties propose the following schedule on the parties' cross-motions for summary
14 judgment:

15 Cross-Motions for Summary Judgment: January 22, 2008

16 Cross-Oppositions: February 5, 2008

17 Hearing: February 26, 2008 at 10:00 a.m.

18 18. Trial:

19 The parties do not anticipate the need for a trial in this case.

20 19. Disclosure of Non-party Interested Entities or Persons:

21 The parties' intend to file the "Certification of Interested Entities or Persons" required by Civil
22 Local Rule 3-16.

23 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
24 matter.

25 None.

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27 ///

1 Dated: December 11, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS
3 United States Attorney

4
5 /s/
6 ILA C. DEISS
Assistant United States Attorney
Attorney for Defendants

7
8 Dated: December 11 , 2007

9 /s/
10 TRICIA WANG
Attorney for Plaintiff

11 **CASE MANAGEMENT ORDER**

12 The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as
13 the Case Management Order for the case, and the parties are ordered to comply with this Order.
14 The Court hereby vacates the case management conference, which was scheduled for December
15 18, 2007, at 2:00 p.m.

16
17 Date:

18 PATRICIA V. TRUMBULL
United States Magistrate Judge